

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

VOLVO GROUP NORTH AMERICA, LLC

and

WALTER EVANS, an Individual

Cases

15-CA-179071

15-CA-184912

15-CA-195183

15-CA-204842

TO THE CHIEF ADMINISTRATIVE LAW JUDGE:

**RESPONDENT'S FIRST AMENDED MOTION
TO EXTEND HEARING DATE 90-120 DAYS**

NOW COMES Respondent Volvo Group North America, LLC ("Volvo"), and within the timeframe set forth within 29 CFR 102.16, and in accordance with 29 CFR 102.24, files its First Amended Motion to Extend Hearing Date with the Chief Administrative Law Judge for the reasons set forth below:

1. That the Order Further Consolidating Cases, Third Consolidated Complaint and Notice of Hearing setting this matter for hearing on **June 18, 2018** was issued on April 30, 2018.
2. That Respondent filed this Motion to Extend Hearing Date on May 8, 2018 and on May 21, 2018 Respondent's counsel received a courtesy copy of the Order Denying Motion.
3. That the following chronological events, issues, disciplines and Charge allegations will need to be considered at the hearing:

<u>Date</u>	<u>Action</u>
05/11/15	Evans transferred to Byhalia facility; UAW represented at all times
08/31/15	Evans alleged safety complaint
10/08/15	Location error noted
10/08/15	Evans alleged safety complaint

11/11/15	Location error noted
11/13/15	Mixed location errors noted; Evans counseled
11/18/15	Part number discrepancy
12/04/15	Missing pick faces
12/09/15	Missing pick faces
12/09/15	Evans alleged safety complaint
12/11/15	Kit put-away error
12/15/15	Wrong location error
12/17/15	No pallet error
12/23/15	Disciplinary action report ("DAR") – Verbal Reminder. Work Rule ("WR") #5 - safety violation; tipped forklift and dropped engine to floor; no grievance filed
2/24/16	DAR – Written Reminder WR #13 - careless or poor workmanship; no grievance filed
03/22/16	DAR – Written Warning WR #8 - wasting time; no grievance filed
05/03/16	DAR – 30 Day DLO WR #5; Evans failed to inspect forklift and dropped pallet of windshields to floor; grievance filed
05/03/16	DAR – Termination WR #s 9 and 20 - profanity and threats to supervisor Kevin Bush following receipt of DAR for safety violation; grievance filed
06/27/16	Charge #15-CA-179071
06/30/16	Third Step Grievance meeting; Tess Thomas, Director of Labor and Employment for Volvo Logistics and Chuck Davenport, UAW International Regional Representative
07/08/16	Grievances resolved; WR #5/30 day DLO rescinded; WR #s 9 and 20 Termination reduced to 4 th Step 30 day DLO; Evans received back pay until his RTW
08/17/16	First Amended #15-CA-179071
09/23/16	Charge #15-CA-184912
03/20/17	DAR – Termination WR #5 – safety violation; observed backing into main aisle
03/21/17	Charge #15-CA-195183
03/22/17	3/27/17 First Hearing postponed indefinitely
05/30/17	First Amended #15-CA-195183

08/22/17	Second Amended #15-CA-195183
10/04/17	Arbitration of second termination
11/03/17	First Amended #15-CA-204842
12/18/17	Arbitration Award denying grievance
01/22/18	1/31/18 Second hearing postponed indefinitely
04/30/18	Third Consolidated Complaint and Notice of Hearing

4. That accordingly the hearing will necessarily involve numerous witnesses and extensive documentary evidence relating to each detailed event beginning in the Summer of 2015.

5. That this matter has been set for hearing twice before and twice extended by the Regional Director. In both instances Volvo had spent extensive time and monies in preparation before the hearings were extended upon short notice.

6. That Mark Flora of Constangy, Brooks, Smith & Prophete, LLP has served as Volvo's exclusive counsel in this matter from its inception. In that role he has advised, responded, moved, arbitrated, produced extensive documentation and twice prepared for hearing.

7. That Flora will be **moving** and **retiring** after 44 years of practice in June of this year.

8. That Volvo has selected Constangy, Brooks, Smith & Prophete, LLP partner Terry Clark as his successor. That Clark has had no prior involvement with this three-year-old matter and will require significant time to review and prepare for the hearing.

9. That Clark has scheduled, and paid for, a gulf coast fishing trip from June 14, 2018 through June 19, 2018.

10. That Volvo does not seek a prolonged extension of the hearing date, but only a reasonable extension in order to adequately prepare for hearing.

11. That Volvo requests that the hearing be rescheduled for late Fall or Winter 2018.

WHEREFORE, Respondent Volvo Group North America, LLC respectfully requests that the June 18, 2018 hearing be extended for good cause shown and that the ends of justice might be served.

Respectfully submitted,



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Dated: May 21, 2018

Attorneys for Volvo Group North America, LLC

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CERTIFICATE OF SERVICE

As evidenced by my signature above, I hereby certify that a copy of Respondent's First Amended Motion to Extend Hearing Date has been served electronically through the Agency's website on this 21st day of May, 2018 to the following parties:

Chief Administrative Law Judge Robert A. Giannasi
U.S. Government National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Via NLRB E-Filing Portal

M. Kathleen McKinney, Regional Director
U.S. Government National Labor Relations Board
Subregion 15
600 S. Maestri Place, 7th Floor
New Orleans, Louisiana 70130-3413

Via NLRB E-Filing Portal

Onur Ocnur, Director
Volvo Parts of North America – Group Trucks Operations
100 Gateway Drive
Byhlia, Mississippi 38611

Via U.S.P.S. First Class Mail

Walter Evans
875 West Poplar Avenue #115
Collierville, Tennessee 38017

Via evanswalt@aol.com